

1. B1
receiving a plurality of merchant information data for a plurality of merchants capable of completing the potential consumer purchase, the merchant data for a merchant organized into a plurality of categories;

entering [receiving] a set of weighting factors, the weighting factors corresponding to the categories of merchant information data;

calculating a respective merchant data weight result based on the weighting factor as applied to the merchant data; and

ranking merchants based on the aggregate of the weighting factors for a given merchant in comparison to the aggregate of weighting factors.

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4. (Amended Once) The method of claim 3, further comprising:

below a specified threshold excluding a merchant from the ranking when the merchant receives [a] an aggregate score below said specified threshold.

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10. (Amended Once) A system of providing comparisons between at least two products, comprising:

means for receiving a search query for a product;

means for retrieving from a database information on merchants offering to sell the product specified in the search query;

means for retrieving from a database comparison information relating to the specified product and the merchants offering the specified product;

means for applying screening factors to the retrieved merchant and product information to remove those merchants from the ranking which correspond to the screening criteria;

means for receiving weighting factors corresponding to merchant and product information;

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means for applying weighting factors to the retrieved merchant and product information;

means for calculating a merchant aggregate value from the application of the weighting factors;

means for generating a ranking the merchants based on the merchant aggregate value;
and

means for providing the ranking to a consumer.

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14. (Amended Once) A method of ranking prospective merchants in an online comparison system, comprising the steps of:

receiving information relating to a user specific product;

retrieving a list of merchants from a database, wherein the list of merchants includes merchants offering the user specified product;

retrieving merchant specific information about each merchant in said list of merchants;

entering a set of weighting factors;

applying weighting factors to said merchant specific information;

ranking said list of merchants carrying the user specified product based on the application of the weighting factors to the merchant specific information.

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16. (Amended Once) The method of claim 14, wherein the weighting factors [received from] are entered by the user.

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24. The method of claim 14, further comprising the steps of:
multiplying comparison information of the merchant specific information by a weighting factor to get a weighted comparison value;

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summing the weighted data values to get an aggregate score for the merchant corresponding to the merchant specific information;

for each merchant in the ranking repeating the steps of multiplying to get a weighted comparison value and the step of summing [to get an aggregate value] to get an aggregate value; and

ranking the merchants based on the aggregate values corresponding to each merchant.

Please add the following claims:

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36. (New) A method of ranking merchants in an online comparison system, comprising:

entering a set of weighting factors, the weighting factors corresponding to merchant information;

entering a query specifying a product or service;

retrieving merchant information from a database, the retrieved merchant information corresponding to the entered query;

calculating a merchant score by applying the entered weighting factors to the retrieved merchant information; and

ranking the merchants according to the calculated merchant score.

37. (New) The method of claim 36, wherein the step of entering the weighting factors occurs prior to entering the query.

38. (New) The method of claim 36, wherein the step of entering the weighting factors is performed by a user, the user also entering the query.

39. (New) A method of ranking merchants in an online comparison system, comprising:

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selecting a weighting factor, the weighting factors corresponding to merchant information;

entering a query specifying a product or service;

retrieving merchant information from a database, the retrieved merchant information corresponding to the entered query;

calculating a merchant score by applying the selected weighting factor to the retrieved merchant information; and

ranking the merchants according to the calculated merchant score.

40. (New) The method of claim 39, wherein the step of selecting the weighting factors occurs prior to entering the query.

41. (New) The method of claim 39, wherein the step of selecting the weighting factors is performed by a user, the user also entering the query.

42. (New) the method of claim 39, wherein the weighting factors is selecting from a list of weighting factors.

43. (New) The method of claim 42, wherein the list of weighting factors corresponds to the merchant information.

44. (New) The method of claim 39, wherein the selection is made from a drop down list of weighting factors.

45. (New) The method of claim 42, wherein the user may modify the selected weighting factors to enter a weighting factor not included in the list of weighting factors.

46. (New) The method of claim 42, wherein the list of weighting factors is entered by a consumer.

47. (New) The method of claim 42, wherein the list of weighting factors is selected from a group of lists of weighting factors.

48. (New) A method of ranking merchants in an online comparison system, comprising:

modifying a weighting factor, the weighting factors corresponding to merchant information;

entering a query specifying a product or service;

retrieving merchant information from a database, the retrieved merchant information corresponding to the entered query;

calculating a merchant score by applying the modified weighting factor to the retrieved merchant information; and

ranking the merchants according to the calculated merchant score.

50. (New) The method of claim 49, wherein the step of modifying the weighting factors occurs prior to entering the query.

51. (New) The method of claim 49, wherein the step of modifying the weighting factors is performed by a user, the user also entering the query.

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52. (New) A method of ranking merchants in an online comparison system, comprising:

- presenting a user with a button to alter a preset group of weighting factors, the weighting factors corresponding to merchant information;
- entering a query specifying a product or service;
- retrieving merchant information from a database, the retrieved merchant information corresponding to the entered query;
- calculating a merchant score by applying the modified weighting factor to the retrieved merchant information; and
- ranking the merchants according to the calculated merchant score.

53. (New) The method of claim 52, wherein the user may alter the present weighting factors by selecting from a list of weighting factors.

54. (New) The method of claim 52, wherein the user may alter the present weighting factors by modifying the present weighting factors.

55. (New) The method of claim 52, wherein the user may alter the present weighting factors by entering a weighting factor.

Please delete claim 9.

RESPONSE

The fourth Office Action mailed on October 6, 2003 rejected claims 1-35 under 35 U.S.C. §103 as being unpatentable over BizRate.com. Based on the results of the interview

with Examiner Hung Q. Pham on November 12th, 2003 Applicant has agreed to postpone examination on the merits of the pending claims (to be filed in a continuation application) and amend the claims to highlight a distinguishing feature of the present invention. More particularly, the present claims have been amended to include limitations regarding the entering, selecting and modification of weighting factors. Additionally, new claims 36-55 have been added including limitations regarding the entering, selecting and modification of weighting factors.

BizRate.com, as discussed in the background section of the present application and cited by the examiner does not disclose or teach allowing users select, modify or enter weighting factors in ranking merchants. Applicant has modified the pending claims and added new claims which include limitations not disclosed in BizRate.com or any prior art presently of record.

Specifically, Claim 1 was amending to include the limitation “entering [receiving] a set of weighting factors” to be used in calculating a merchant score. Claims 2 through 8 depend from claim 1 and therefore also include the amended language.

Claim 9 has been deleted.

Claim 10 has been amended to include the additional element of a “means for receiving weighting factors corresponding to merchant and product information” where the weighting factors are used in ranking the merchant. Claims 11 through 13 depend from claim 10 and therefore include the amendment.

Claim 14 has been amended to include the additional element of “entering a set of weighting factors” to be used in ranking merchants. Claims 15 through 35 depend from claim 14 and therefore include the amended language.

Additionally, dependent claim 16 has been amended to include the additional limitation of the “weighting factors entered by the user.”

New claims 36 through 55 have been added which claim entering, selecting or modifying weighting factors. Specifically, claim 36 claims “entering a set of weighting

factors... corresponding to merchant information.” Claims 37 and 38 depend from claim 36 and therefore include the cited language.

New claim 39 claims “selecting a weighting factor... corresponding to merchant information” and using the selected weighting factors in ranking a merchant. Claims 37 through 48 depend from claim 36 and therefore include the cited language.

New claim 49 claims “modifying a weighting factor... corresponding to merchant information” and using the selected weighting factors in ranking a merchant. Claims 50 through 51 depend from claim 48 and therefore include the cited language.

New claim 52 claims “presenting a user with a button to alter a preset group of weighting factors” and using the weighting factors in ranking a merchant. Claims 53 through 55 depend from claim 52 and therefore include the cited language.

Claims 4 and 24 have been amended to correct the informalities objected to.


Based upon the Interview with the Examiner and the Applicant has respectfully amended the claims to claim aspects of the present invention clearly not disclosed or taught in BizRate.com, or any of the references of record. Applicant respectfully requests the application be passed through to allowance without delay.

Applicant would like to take this opportunity to thank the Examiner and the Examiner's supervisor for the time and effort they have both put into the fourth Office Action and the subsequent interview. Upon taking over examination of the present application Examiner promised Applicant's attorney that Examiner would provide a more thorough and relevant examination. Examiner has not only met but exceeded that promise, and Applicant is grateful for the quality of the fourth Office Action and interview.

Respectfully submitted,

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